

DORA THELMA ANDREE

FEBRUARY 28, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. BURDICK, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 7703]

The Committee on the Judiciary, to whom was referred the bill (H. R. 7703) for the relief of Dora Thelma Andree, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 11, after the word "Act" strike out "in excess of 10 per centum thereof".

The purpose of the proposed legislation is to pay the sum of \$246 to Dora Thelma Andree, of Honolulu, T. H., arising out of her capture and detention by Japanese military authorities in Korea during World War II.

STATEMENT OF FACTS

Under section 5 of the War Claims Act of 1948 (Public Law 896, 80th Cong., approved July 3, 1948, 62 Stat. 1240), as amended, the War Claims Commission was authorized to receive, adjudicate, and provide for the payment of claims arising out of the detention, injury, disability, or death resulting from injury of American civilian citizens, who were captured by Japanese authorities on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or in any other Territory or possession of the United States, or while in transit to or from any such place or who went into hiding at any such place to avoid capture. It will be noted that claims arising in Korea do not fall within the provisions of that section.

In other words, had Mrs. Andree been captured in any of the above-named countries she could have recovered. Instead she was captured in Korea and kept as a prisoner of war. The amount as set forth in the bill is based on the amount to which she would be entitled under the War Claims Act of 1948 if she were eligible to file a claim.

Therefore, your committee is of the opinion that Mrs. Andree should be paid the sum of \$246 for her capture and detention by the Japanese in Korea.

Attached hereto is other evidence, which is made a part of this report.

DEPARTMENT OF STATE,
Washington, August 30, 1955.

The Honorable EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives.*

DEAR MR. CELLER: Further reference is made to your letter of August 16, 1955, transmitting for the comment of the Department of State three copies of H. R. 7703, a bill for the relief of Dora Thelma Andree, which has been introduced in the 84th Congress.

The proposed bill would authorize and direct the Secretary of the Treasury to pay out of any money in the Treasury not otherwise appropriated to Dora Thelma Andree, Honolulu, T. H., the sum of \$246 in full settlement of all claims against the United States arising out of her capture and detention by Japanese military authorities in Korea during World War II.

Under section 5 of the War Claims Act of 1948 (Public Law 896, 80th Cong., approved July 3, 1948, 62 Stat. 1240), as amended, the War Claims Commission was authorized to receive, adjudicate, and provide for the payment of claims arising out of the detention, injury, disability, or death resulting from injury of American civilian citizens, who were captured by Japanese authorities on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or in any other Territory or possession of the United States, or while in transit to or from any such place or who went into hiding at any such place to avoid capture. It will be noted that claims arising in Korea do not fall within the provisions of that section.

The War Claims Commission, under the provisions of section 8 of the War Claims Act of 1948, was required to prepare a report for submission to the Congress with recommendations concerning war claims on behalf of American nationals not authorized to be paid under existing legislation. In directing the Commission to prepare that report, Congress presumably intended to provide a framework for dealing with such claims in a comprehensive manner, rather than on a piecemeal basis. The final and supplementary report of that Commission which contains recommendations for the disposition of claims arising from World War II, was submitted to the Congress on January 16, 1953 (H. Doc. 67, 83d Cong.). Although the War Claims Commission recommended the payment of claims of American civilian citizens based on personal injury, disability or death suffered as a result of hostilities during World War II and for detention benefits of those unqualified under existing legislation, no action has been taken by the Congress giving effect to those recommendations except with respect to the limited categories of claimants encompassed by Public Law 744, 83d Congress, approved August 31, 1954 (68 Stat. 1033). The Foreign Claims Settlement Commission of the United States, Washington 25, D. C., is the authorized agency to receive and determine claims cognizable under Public Law 744.

Since the Department is not aware of any special circumstances warranting preferential treatment in the case of Dora Thelma Andree, it is not in a position to recommend enactment of the proposed bill.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Secretary of State).

JUNE 7, 1955.

Delegate ELIZABETH R. FARRINGTON,
House Office Building, Washington, D. C.

DEAR DELEGATE FARRINGTON: I am an American citizen by virtue of my birth in Hawaii, Mokuleia, Waialua, Oahu, T. H. in 1909.

When the war with Japan began in December 1941, I was taken prisoner in Korea where I was working for the Chosen Christian College. I was imprisoned for 5 months, and suffered much hardship. I was not finally freed until the

American occupation forces entered Korea. I was finally able to return to Hawaii in 1949.

I am presently in destitute circumstances with two small children, 6 and 7 years of age, to support.

I have been advised by the War Claims Commission that I am not entitled to benefits under the War Claims Act of 1948 solely by reason of the fact that I was taken prisoner in Korea rather than in Midway, Guam, Wake or the Philippine Islands. This seems to me unfair, as the hardships I suffered were certainly as great as those of American citizens captured and held prisoner elsewhere. So far as I know, I am the only woman with American citizenship held prisoner in Korea by the Japanese until the occupation forces arrived.

I shall very much appreciate it if you will help me with my claim before the War Claims Commission, or if you will get a special bill put through Congress giving me the same benefits as were given to American citizens detained in other areas under the War Claims Act. I will gladly and promptly supply any information you may need concerning my case.

Very truly yours,

DORA THELMA ANDREE,
Honolulu, T. H.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 29, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Enclosed is a copy of H. R. 7703 which I have introduced for the relief of Dora Thelma Andree.

Mrs. Andree was born on March 1, 1909, at Waialua, Oahu, T. H. Her parents came from Seoul, Korean, and worked and lived in the Territory of Hawaii for 30 years. In 1932 her father, who was paralyzed, returned to Seoul because of his health. The following year her mother, who had become blind, decided to join her husband and Mrs. Andree accompanied her in order to take care of her.

Upon arriving in Seoul, Mrs. Andree, who was not married at the time, registered with the American consul. She secured employment as a secretary for Dr. Horace H. Underwood, president of the Chosen Christian College, one of the largest American sponsored Presbyterian missionary boys colleges. When it appeared that war might break out certain authorities in Seoul advised her to take out dual citizenship because she was of Korean extraction, but she refused to give up her American citizenship. The American consul, who was aware of her responsibility of her mother, inquired when she planned to return to the United States. She replied that she planned to return in the spring of 1942.

On December 8, 1941, Mrs. Andree states she was taken by three Japanese detectives to the Seoul Eastgate Police Station and after much questioning was put in jail. She was treated as a spy and was made to suffer a very great deal both physically and spiritually. She was released from prison on April 11, 1942, and permitted to return home to care for her mother but was placed under house arrest. She says the reason for her imprisonment was because she was an American citizen, worked for an American missionary and continued to register herself with the American consul to make certain she would not lose her citizenship.

Mrs. Andree married her husband in Seoul in 1947 and returned with him to this country in 1948. He has since abandoned her and their two children.

I have endeavored to solve Mrs. Andree's problem administratively. Enclosed is the copy of a letter I have received from the Foreign Claims Settlement Commission of the United States informing me she is not eligible to file a claim under the War Claims Act of 1948 because of her internment by the Japanese in Korea during World War II. Because I feel this is an exceptional case and there is no general legislation to cover her problem, I have introduced H. R. 7703 in behalf of Mrs. Andree. Enclosed are letters I have received from her explaining the circumstances in detail.

The figure of \$246 was arrived at after consultation with officials in the Foreign Settlement Claims Commission of the United States and is based on the amount to which she would be entitled under the War Claims Act of 1948 if she were eligible to file a claim.

I will appreciate it if you will request the necessary departmental reports so this bill can be docketed for consideration. I would especially like to request

that a report on this bill be secured from the Foreign Settlement Claims Commission of the United States in the event you would not normally request the advice of this agency.

Sincerely,

ELIZABETH P. FARRINGTON.
Mrs. Joseph R. Farrington,
Delegate from Hawaii.

HONOLULU, T. H., July 7, 1955.

Hon. ELIZABETH P. FARRINGTON,
Delegate from Hawaii,
House of Representatives, Washington 25, D. C.

DEAR MRS. FARRINGTON: Your letter of June 28 with its enclosures have been received, and I wish to take this opportunity to thank you very much for your kind and thoughtful assistance.

At the present time, I am not in a condition to write a lengthy letter, for I am a patient with second- and third-degree burns all over my right arm and my right leg. I met with a domestic accident (gas explosion) last February, exactly a year and a half ago. I have since gone through four major skin graft operations because of my severe kiloid difficulties, and at present, I am still suffering because my operations did not succeed. The doctors cannot do much for me because I am allergic. I have no one to help me with my two small children, for I am all alone; however, Mrs. Farrington, I will try to do my very best and answer some of your questions.

My maiden name is Dora Thelma Ahn. I was born at Mokuleia camp in Waialua, Oahu, T. H., on March 1, 1909. I graduated from the McKinley High School in Honolulu in 1928. Later, I studied awhile at Detroit City College in Detroit, Mich.; and again at Baldwin-Wallace College in Berea, Ohio. I did not finish my course because my both parents took sick.

My both parents came from Seoul, Korea, in 1902. They worked and lived on the island of Oahu for 30 years. My father was paralyzed and my mother became blind. In October 1932, my father returned to Seoul, Korea, because of his health. The same year, I was called back home from my studies in the United States to take care of my blind mother in Honolulu. In March 1933, my mother decided to join my father who was in Seoul, Korea; so I accompanied her to Korea.

As soon as I arrived in Seoul, Korea, I registered with the American consulate regularly as a temporary visitor until a week before the outbreak of World War II. Before the war broke out, I was advised to take out a dual citizenship by many of the authorities in Seoul because I was a Korean girl. By doing this, they told me that I would avoid much inconveniences, but I refused to do so. Prior to my capture, the American consulate knew of my pathetic circumstances with my poor aged blind mother who was ill, inquired of me as to when I planned to return to the United States, so I informed them that I would make all arrangements to return to the United States in the spring of 1942, but the war suddenly broke out in the winter of 1941.

A year after my arrival to Seoul, Korea, I was asked to work as a secretary for Dr. Horace H. Underwood, president of one of the largest American sponsored Presbyterian missionary boys' college in Seoul, Korea; called the Chosen Christian College. I worked for Dr. Underwood and this institution for 8 years, until the very day the World War broke out. On December 8, when the war was announced, I was immediately taken by three Japanese detectives to the Seoul Eastgate Police Station and after much questioning, I was put into the cell for 5 months until April 11, 1942; when I was finally released to return home to take care of my mother and serve the rest of my sentence. I was very strictly and carefully watched by the detectives during the war while I was confined to my home. The principal cause of my imprisonment was because I had no dual citizenship and was working for an American missionary Dr. Underwood; and also because I was visiting and registering myself with the American consulate constantly.

During my imprisonment, I suffered a great deal physically and spiritually for the treatment was something terrible. I was treated as a spy. The Japanese officials tried to get something out of me, but personally I had nothing to say. They tried everything to find fault with me and even tried to kill me. My health was completely ruined under their treacherous torture. I had nervous breakdown, kidney trouble, and a very severe case of malaria. I was very much undernourished for I starved many a meal. The agony of hunger, and lack of clothing in that cold bitter winter of 1941-42 in Seoul was something horrible to speak of. I do not understand how I ever survived. My mother's constant prayer saved

me. My mistreatment was so great that I even lost my memory for a while. Even after when the peace was announced, the gendarmes were trying to find fault with me and kill me. They were jealous because I held on to my American citizenship up to the last moment.

When the occupational troops arrived in Seoul, I secured a position with the military government. My health was poor, so it took me quite a while to get a job. I met my husband in Seoul and married him there in 1947. In the spring of 1948, all dependents in Seoul were asked to evacuate. At that time, my husband and I had our annual leave coming to both of us, so we returned to the United States. After 3 months in the United States, my husband returned to Seoul, Korea, to finish his contract, while I came to Honolulu. Ever since then, my husband has never returned to us. He has left us stranded on this island of Oahu. We have no idea as to where he is now. We have no support from him. I have tried to keep up my family together by working at any odd jobs because I could not get a civil-service job. Finally, I had to give up my working because my children were sick and they needed my care and attention. Last year, I met with my accident and today I am a sick deformed woman.

Mrs. Farrington, I shall appreciate it very, very much if you will help my children and me in any way. If there is anything else you wish to know, I shall be most happy to answer you. Again I thank you very much for your kind consideration in this matter, I am,

Very truly yours,

DORA THELMA ANDREE.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,

Washington, D. C., June 17, 1955.

Hon. ELIZABETH P. FARRINGTON,

Delegate from Hawaii,

House of Representatives,

Washington 25, D. C.

DEAR MRS. FARRINGTON: This refers to your inquiry of June 14, 1955, in behalf of your constituent, Mrs. Dora Thelma Andree, 1104-M Liliha Street, Honolulu, T. H., concerning her possible eligibility to file a claim under the War Claims Act of 1948, as amended, arising from her internment by the Japanese in Korea during World War II.

From the information you have furnished to the Foreign Claims Settlement Commission it appears that Mrs. Andree regards the requirements of the act as unfair because it authorizes civilian detention benefits only to civilian American citizens who were captured or interned in the Philippines, Guam, Wake, and Midway Islands. The Commission can well appreciate Mrs. Andree's feelings in this matter but cannot suggest any remedy for her under existing law. The Commission has accumulated a large volume of correspondence with respect to civilian American citizens who were captured and interned in China and other places in the Far East outside the specific areas mentioned in the act, and who were also captured and interned by enemy forces other than the Japanese in World War II.

This problem is a very real one and in previous Congresses legislation has been introduced to amend the War Claims Act in such manner that these individuals would qualify for the monthly detention benefits which were accorded Americans captured in the specified areas in the Pacific theater of World War II. There is currently pending in the 84th Congress a bill, H. R. 1590, which, if enacted, would amend the War Claims Act of 1948 so as to authorize such benefits to civilian American citizens regardless of the place of capture in World War II. This bill is currently pending before the Committee on Interstate and Foreign Commerce in the House of Representatives.

The reason for limiting civilian detention benefits to those individuals captured or interned in the Philippines, Guam, Wake and Midway Islands, or while in transit between such places, or who went into hiding to avoid such capture, was based upon the fact that these individuals were overrun and taken by surprise and, to a large degree, were encouraged by the United States Government to remain in those places notwithstanding the imminent danger of hostilities. This was done for the purpose of encouraging native populations in the development of their defenses against possible aggression.

In the case of civilians in other areas, as on the continent of Asia, or in Europe and other localities, every effort was made by the Government to evacuate its nationals long before the attack on Pearl Harbor, even to the point of the Gov-

ernment's furnishing transportation and lending money to such civilians to enable them to return home. They received repeated warnings, especially in the Far East, dating back to 1939. In the development of its World War II claims program, therefore, it was felt that the United States was not responsible for the hazards which its civilian nationals faced in the Far East and Europe to the same extent it was responsible for the hazards faced by its civilian nationals in the specified Pacific Islands just mentioned.

There are exceptional cases, of course, and Mrs. Andree's situation is probably one of them. It is not possible in general legislation, however, to provide relief for the extraordinary cases.

The Commission regrets that its reply to your inquiry cannot be more favorable but it appreciates this opportunity of assisting you in this matter.

Very truly yours,

ANDREW T. MCGUIRE,
General Counsel.

